

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

EDWARD LEE LEWIS,

Plaintiff,

v.

CIVIL ACTION NO. 3:11-1016

WESTERN REGIONAL JAIL, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's Application to proceed without prepayment of fees or costs (Doc. #7) be denied pursuant to 28 U.S.C. § 1915(e)(2)(B); his Complaint (Doc. #s 1 and 5) be dismissed, with prejudice, for failure to state a claim; and his motion to transfer funds (Doc. #10) be dismissed, with prejudice, as moot. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Plaintiff's Application to proceed without prepayment of fees or costs (Doc. #7) be **DENIED** pursuant to 28 U.S.C. § 1915(e)(2)(B); his Complaint (Doc. #s 1 and 5) be **DISMISSED, with prejudice**, for failure to state a claim; and his motion to transfer

funds (Doc. #10) be **DISMISSED, with prejudice, as moot**, and consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: August 27, 2012

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE